IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.663 OF 1997

1. Shri.Mohammed Roshan aged 22 years, Occ:Student residing at 'Allana Chambers' 2nd floor, Bomanji Petit Road, Mumbai-400026

2. Shri.Salim Mohammed Lakdawala, aged 36 yrs. Occ: Business, residing at Ground floor, 'Beau-Lieu' 29, Doongarshi Road, Malbar Hill, Mumbai 400006 ...Applicants

Versus

1. The State of Maharashtra (At the instance of Gamdevi Police Station, Gamdevi, Mumbai-400007)

2. Shri.V.L.Thakur, Special Executive Magistrate, Tardeo Divn. Gamdevi Police Station's Building, 1st floor, Pandit Ramabai Marg, Gamdevi, Mumbai-400007 ...Respondents

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Mr.J.R.Chomal Advocate for Applicants(absent)
Mr.A.S.Shitole A.P.P. for Respondents

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPTEMBER 30,2004

ORAL JUDGMENT:

1. The applicants have preferred this application

for quashing the Show-Cause Notice issued under Section 110 of the Code of Criminal Procedure in Chapter Case No. 1 of 1997. The said Show-Cause Notice does not bear any date. However, from the record, it appears that it was issued sometime in the month of February, 1997 by Special Executive Magistrate, Tardeo Division, Mumbai.

2. The Show-Cause Notice pertains to the incidents of the year 1996 and 1997. Looking to the fact that the incidents pertain to the years 1996 and 1997 and more than seven and half years have elapsed since then, I do not find it in the interest of justice that the said proceedings be continued today. Hence, the proceedings relating to said Show Cause Notice issued in Chapter Case No.1 of 1997 are quashed. However, it is made clear that today if the situation is such that it warrants initiation of fresh chapter proceedings against the applicants, the concerned authorities would be at liberty to do so.

. Application is allowed in the above terms. Rule made absolute.

[V.K.TAHILRAMANI.J]